

"PATENT"

AMENDMENT TRANSMITTAL FORM

In re application of: Ramesh Varadaraj, et al  
 U. S. Serial No.: 10/675,169  
 Filed: September 30, 2003  
 For: COMPLEX OIL-IN-WATER-IN-OIL (O/W/O)  
 EMULSION COMPOSITIONS FOR FUEL CELL  
 REFORMER START-UP

) Before the Examiner  
 ) Edward J. Cain  
 )  
 ) Confirmation Number: 5906  
 ) Group Art Unit: 1714  
 ) Family Number: P2002J108 US2

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Commissioner for Patents  
 P.O. Box 1450  
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CERTIFICATION OF FACSIMILE TRANSMISSION

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 Commissioner for Patents facsimile number 1-571-273-8300 on the date shown below.

Jacqueline Wright

Type or print name of person signing certification

Signature

Date

Transmittal herewith is a Petition for Unintentionally Delayed Claim for Priority in the above-identified application.

Petition for extension of time pursuant to 37 CFR 1.136 and 1.137 is hereby made, if and to the extent, required. The fee for this extension of time is calculated to be \$ \_\_\_\_\_ to extend the time for filing this response until \_\_\_\_\_.

The fee for any changes in number of claims has been calculated as shown below.

CLAIMS AS AMENDED						
(1)	(2) Claims Remaining After Amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7)
Total Claims	*	Minus	**		x 50.00	
Indep. Claims	*	Minus	***		x 200.00	
MULTIPLE DEPENDENT CLAIM FEE					\$ 360.00	
FEE FOR CLAIM CHANGES						

- \* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The total fee for this Petition for Unintentionally Delayed Claim for Priority, including claim changes and any extension of time is calculated to be \$1370.00.

☒ Charge \$1370.00 to DEPOSIT ACCOUNT NO. 05-1330.

☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper, or credit any overpayment, to DEPOSIT ACCOUNT NO. 05-1330.

DATE OF SIGNATURE

Post Office Address: [to which correspondence is to be sent]  
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 P. O. Box 900  
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ATTORNEY OR AGENT OF RECORD

Robert A. Migliorini

Registration No. 50,262

☒ Pursuant to 37 CFR 1.34(a)

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27810

PATENT TRADEMARK OFFICE

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Date: 6/2/06

Name: Jacqueline Wright

Signature: 

RV-0318

PATENT

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
Ramesh VARADARAJ, et al.

) Before the Examiner  
) Edward J. Cain  
)

U. S. Serial No. 10/675,169

)

Filed: September 30, 2003

)

Confirmation Number: 5906

Title: **COMPLEX OIL-IN-WATER-IN-OIL  
(O/W/O) EMULSION COMPOSITIONS FOR  
FUEL CELL REFORMER START-UP**

)

Group Art Unit: 1714

Family Number: P2002J108 US2

Mail-Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**PETITION FOR UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY**

Sir:

Pursuant to 37 C.F.R. 1.78 (a) (3), Applicants respectfully submit this petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 120 in regard to the above-identified patent application.

Under 35 U.S.C. 120 and 37 C.F.R. 1.78, an alleged continuation-in-part application is permitted to claim the filing date of an earlier nonprovisional application if the alleged continuation-in-part applications complies with the following formal requirements: 1) the first application and the alleged continuation-in-part application were filed with at least one

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Reply to Office Action of: September 6, 2005  
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common inventor; 2) the alleged continuation-in-part application was "filed before the patenting or abandonment of or termination of proceedings on the first application or an application similarly entitled to the benefit of the filing date of the first application;" and 3) the alleged continuation-in-part application "contains or is amended to contain a specific reference to the earlier filed application."

The applicants in their response of December 5, 2005 to an Office Action mailed September 6, 2005 amended the above identified application to claim the benefit of and be designated as a continuation-in-part of currently pending U.S. Patent Application Serial No. 10/412,190 to Berlowitz et al. (hereinafter "Berlowitz") pursuant to 35 U.S.C. 120 and 37 CFR 1.78 (a)(1) and (a)(2). The instant application and Berlowitz reference each name Paul J. Berlowitz as an inventor, thereby establishing the first requirement of common inventorship under 35 U.S.C. 120. In terms of the second requirement of 35 U.S.C. 120, the instant invention is copending with a U.S. application entitled to the benefit of the filing date of the Berlowitz reference. More particularly, the Berlowitz reference, currently abandoned, is a continuation of U.S. Patent Application Serial No. 09/312,728 filed May 14, 1999, also currently abandoned. However, continuation U.S. Patent Application Serial No. 10/412,190 filed April 11, 2003, currently pending, claims the benefit and is entitled to the priority of both the Berlowitz reference and U.S. Patent Application Serial No. 09/312,728. In terms of the third requirement, the present disclosure has been amended to contain a specific reference to the Berlowitz reference. More particularly, paragraph [0001] of the present disclosure has been amended to be a continuation-in-part application and claim the benefit of U.S. Patent Application Serial No. 09/312,728 filed May 14, 1999, currently abandoned, continuation U.S. Patent Application Serial No. 09/791,996 filed February 23, 2001, currently abandoned, and continuation U.S. Patent Application Serial No. 10/412,190 filed April 11, 2003, currently pending. In a Final Office Action mailed on February 23, 2006 in the above identified patent application, the Examiner deemed waived the claim for priority because pursuant to 37 CFR 1.78 (a)(2)(ii), a claim for priority was not made within four months from the filing date of the later filed application or sixteen months from the filing date of the prior filed application.

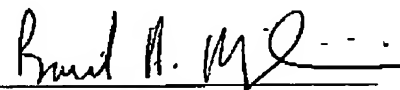
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In response, the Applicants submit this petition to accept an unintentionally delayed claim for priority pursuant to 37 C.F.R. 1.78 (a) (3) in the above identified patent application. The priority reference to the prior application was submitted to the Examiner in the response filed on December 5, 2005, and the previously filed specification amendment is also attached hereto. In addition, the Applicants attest that the entire delay between the date the claim was due under 37 C.F.R. 1.78(a)(2) and the date the claim was filed (December 5, 2005) was unintentional. Lastly, the Director is also authorized to deduct a surcharge of \$1370.00 pursuant to 37 C.F.R. 1.17 (t) from Deposit Account Number 05-1330.

If there should be any questions in connection with this petition, the undersigned may be contacted at the number below.

Respectfully submitted,

Date: June 2, 06

  
Robert A. Migliorini  
Attorney for Applicant(s)  
Registration No. 50,262

☒ Pursuant to 37 CFR 1.34(a)

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### **SPECIFICATION AMENDMENT**

The following specification amendment was previously filed on December 5, 2005, but not entered by the Examiner in the above identified patent application.

1. Please replace paragraph [0001] on page 1 of the specification with the following replacement paragraph.

[0001] This application claims the benefit of U.S. Provisional application 60/435,044 filed December 20, 2002, and is a continuation-in-part of U.S. Patent Application Serial No. 09/312,728 filed May 14, 1999, currently abandoned, continuation U.S. Patent Application Serial No. 09/791,996 filed February 23, 2001, currently abandoned, and continuation U.S. Patent Application Serial No. 10/412,190 filed April 11, 2003, currently pending.